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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,147	09/21/2006	Heribert Baldus	2004P00790WOUS	1851
38107 7590 08/19/2011 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P. O. Box 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER PEACHES, RANDY				
ART UNIT 2617		PAPER NUMBER		
NOTIFICATION DATE 08/19/2011		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/599,147

**Applicant(s)**

BALDUS ET AL.

**Examiner**

RANDY PEACHES

**Art Unit**

2617

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 June 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 13-14 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. ***Claims 1-12 and 15-20*** are rejected under 35 U.S.C. 102(b) as being anticipated by Beigel et al. (U.S. Patent Publication Number 2003/0174049 A1).

Regarding ***claims 1*** and 15, Beigel et al. discloses an identification client (100), hereinafter referenced as client, which reads on claim “local wireless device,” communicating with a Bluetooth local network (ABSTRACT separate from a medical facility network whereby a tracking method comprises:

- detecting the said client, which is not connected with the medical facility network (10), based on said Bluetooth communication between the local wireless device and at least one nearby master node, which reads on claim “network device,” that is connected with the medical facility network. See paragraph [0039]; and
- estimating a location of the local wireless device within the medical facility based on the local wireless communication and information indicative of a location of the at least one nearby network device. See paragraphs [0038 and 0039].

Regarding **claims 2 and 16**, according to **claims 1 and 15**, Beigel continues to disclose:

- determining locations of a plurality of master nodes that are connected with the medical facility network, the plurality of master nodes including the at least one nearby network master node. See paragraph [0039].

Regarding **claims 3 and 17**, according to **claims 2 and 16**, Beigel continues to disclose wherein at least some of the plurality of master nodes are wireless network devices wirelessly connected with the medical facility network (10), and

- the determining includes: estimating locations of the wireless network devices based on wireless network connections (36) between the network devices and the medical facility network. See paragraph [0039], whereby the master nodes can detect the range of the said client (100).

Regarding **claim 4**, according to **claim 3**, Beigel continues to disclose wherein the wireless network connection (36) comports with an IEEE 802.11 based wireless protocol. See paragraphs [0006 and 0023].

Regarding **claims 5 and 19**, according to **claims 3 and 18**, Beigel continues to disclose wherein the local wireless communication between the said master node and the at least one nearby master node employs at least one of: (i) an IEEE 802.15.1 wireless protocol; and (ii) an 802.15.4 wireless protocol. See paragraph [0022].

Regarding **claim 6**, according to **claim 1**, Beigel continues to disclose wherein prior to the detecting, the said client (100) and the said master node establish a local wireless communication connection (55, 58) there between, and the estimating includes:

- estimating the location of the local wireless device (50, 52) as substantially coinciding with the location of the nearby network device (12, 14). See paragraph [0039].

Regarding **claim 7**, according to **claim 1**, Beigel continues to disclose wherein the estimating includes: estimating a distance between the client and the at least one nearby master node based on a strength (Beigel teaches of the range of the signal from the said master node) of a wireless signal employed in the said client. See paragraph [0039].

Regarding **claim 8**, according to **claim 1**, Beigel continues to disclose wherein the at least one master node includes a plurality of master nodes [0039] that detect the local wireless device (51), and the estimating includes:  
estimating a distance between the said client and each said master nodes based on the local wireless communication. See paragraph [0039]; and  
estimating a location of the local wireless device (51) based on the estimated distances and the locations of the nearby network devices (14, 16). See paragraph [0039].

Regarding **claim 9**, according to **claim 1**, Beigel continues to disclose wherein the estimating includes: estimating a distance between the local wireless device (50, 51, 52) and the at least one nearby network device (12, 14, 16) based on a maximum communication distance of the local wireless communication (54, 55, 56, 58). See paragraph [0039].

Regarding **claim 10**, according to **claim 1**, Beigel continues to disclose wherein the estimating includes: estimating the location of the client as being within a room of the medical facility containing the nearby said master node. See paragraph [00360039].

Regarding **claim 11**, according to **claim 1**, Beigel continues to disclose wherein repeating the detecting; during a subsequent detecting, identifying a change in said client between the said master node and the at least one nearby said master node. See paragraph [0039]; and updating the location of said client within the medical facility based on the change. See paragraph [0039].

Regarding **claim 12**, according to **claim 11**, Beigel continues to disclose wherein the change includes one of: loss of local wireless communication between the local wireless device (50, 51, 52) and at least one nearby network device (12, 14, 16) during the subsequent detecting, and pickup of a new local wireless communication between the local wireless device (50, 51, 52) and a network device (18) other than the at least one nearby network device (12, 14, 16) of the initial detecting. See paragraph [0039].

Regarding **claim 18**, according to **claim 15**, Beigel continues to disclose wherein local wireless communication hardware installed in or integrated with the client and employing a selected non-network local wireless communication protocol, i.e Bluetooth. See paragraph [0022; and local non-network wireless communication hardware (66, 68) installed in or integrated with the at least one said client and employing the selected non-network local wireless communication protocol. See paragraph [0022].

Regarding **claim 20**, according to **claim 18**, Beigel continues to disclose wherein client software (70) installed on the at least one nearby master nodes that causes the at least one nearby network device to scan for other devices in range that are capable of communicating using the selected non-network local communication protocol. See paragraph [0039].

#### ***Allowable Subject Matter***

2. **Claims 13-14 and 21** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

3. Applicant's arguments filed 6/6/2011 have been fully considered but they are not persuasive. Regarding the Applicant's argument that the cited prior art of Beigel fails to

disclose wherein *detecting the local wireless device, which is not connected with the medical facility network, based on local wireless communication between the local wireless device and at least one nearby network device that is connected with the medical facility network*. The Examiner respectfully disagree. Accordingly, Beigel discloses a identification appliances (100) whose functions are and communicate wirelessly with a Bluetooth wireless network that is not part of a medical network. With reference to FIG. 5, Beigel et al. discloses an example of using a system of multiple master nodes (which are part of the medical network) for zone location. Figure 5 displays a system having multiple master nodes in a hospital area 200. A number of master nodes 180, 186, 190 are distributed in the hospital area 200, preferably in a manner so that the effective range of each master node either overlaps or is contiguous with that of another master node. Referring to FIG. 5, if a patient's location 210 is within the range of a first master node 202, the first master node 202 can detect the presence of the patient because of the patient's identification appliance 100. If the patient moves out of range of the first master node and into the range of a second master node 204, the second master node 204 handles the communications with the improved identification appliance 100 of the patient. Consequently, Beigel does indeed teach of detecting a local wireless device (identification appliance (100)), which is not connected to the medical network (the said appliance (100) is connected to the Bluetooth network) based on at least one nearby network device (master node) that is connected to the said medical facility. Therefore, the Examiner maintains that the rejection of **claims 1-**



**12 and 15-20** stand based on the above rejection and response to Applicant's arguments.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RANDY PEACHES whose telephone number is (571)272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Randy Peaches/  
Examiner, Art Unit 2617

/Charles N. Appiah/  
Supervisory Patent Examiner, Art Unit 2617